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1-13-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Desousa, et al.
Serial No. : 09/341,196 Examiner: G. Gabel
Filed : July 6, 1999 Group Art Unit: 1641
For : SCINTILLATION PROXIMITY ASSAY FOR THE
DETECTION OF PEPTIDOGLYCAN SYNTHESIS

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I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to : The Assistant Commissioner for Patents, Washington, D.C. 20231, on November 2, 2000.

Richard J. Sterner
Agent Name
Richard J. Sterner
Signature

35,372
PTO Reg. No.
November 2, 2000
Date of Signature

The Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed August 30, 2000.

The present application was filed under 35 U.S.C. §371. 35 U.S.C. §371(b) states that the National Stage of such an application shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2) or 39(1)(a) unless expressly requested otherwise in accordance with 35 U.S.C. §371(f). In the transmittal letter for the instant application, not only was early processing not requested but Applicants expressly requested that the National Stage processing of the


application not commence until the expiration of the applicable time limit under the appropriate above-cited PCT articles. In the present case, the applicable time limit has not yet expired.

In view of the foregoing, the processing by the Application Branch and the subsequent issuance of the Office Action were premature. Accordingly, the application should be returned to the U.S. Designated/Elected Office and not be processed until the expiration of the applicable time limit under PCT Article 22 or 39(1). RECEIVED
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No fee should be due in connection with this response. However, should it be determined that a fee is required for any reason, the Assistant Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: November 2, 2000

Respectfully submitted,


Richard J. Sterner
Reg. No. 35,372

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